



**Guildhall Gainsborough  
Lincolnshire DN21 2NA  
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**This meeting will be recorded and published on the website**

**AGENDA**

**Planning Committee  
Wednesday 10 December 2014 at 6.30 pm  
The Council Chamber, Guildhall, Gainsborough**

**Members:** Councillor Stuart Curtis (Chairman)  
Councillor Ian Fleetwood (Vice-Chairman)

Councillors Owen Bierley, Alan Caine, David Cotton,  
Richard Doran, Malcolm Leaning, Giles McNeill, Jessie  
Milne, Roger Patterson, Judy Rainsforth.

1. Apologies for absence.
2. Public Participation Period. Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. Minutes.
  - i) Meeting of the Planning Committee held on 12 November 2014, previously circulated.
4. Members' Declarations of Interest.

Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.
5. Update on Government/Local Changes in Planning Policy

**Agendas, Reports and Minutes will be provided upon request in the following formats:**

**Large Clear Print: Braille: Audio Tape: Native Language**

6. Planning Applications for Determination  
(Summary attached at Appendix A)  
Print herewith PL.11 14/15

**PAPER A**

7. To note the following determination of appeals:

- i) Appeal by Mercer Farming against the decision of West Lindsey District Council to refuse to grant planning permission for the erection of 6 no. broiler rearing units and associated feed bins, control room, feed weighing room, catching canopy, site office and a general purpose storage building, on Land off Gulham Road, North Owersby.

**Appeal dismissed** - See copy letter attached as Appendix Bi.

Officer decision to refuse.

- ii) Appeal by Mr and Mrs M Staples against the decision of West Lindsey District Council to refuse to grant planning permission for two new dwellings to the Rear of 29 Yarborough Road, Cissplatt Lane, Keelby,

**Appeal dismissed** - See copy letter attached as Appendix Bii.

Officer decision to refuse.

M Gill  
Chief Executive  
The Guildhall  
Gainsborough

2 December 2014

**Agendas, Reports and Minutes will be provided upon request in the following formats:**

**Large Clear Print: Braille: Audio Tape: Native Language**

**1 - 131427 – Keelby**

**PROPOSAL** - Planning Application for proposed dwelling on land to rear of Riby Road, Keelby.

**RECOMMENDATION** – Approve subject to conditions

**2 – 131591 – Claxby**

**PROPOSAL** – Planning Application for a glamping camping site on land to rear of the Old Smithy, Mulberry Road, Claxby.

**RECOMMENDATION** – Grant Permission

## Appeal Decision

Site visit made on 31 October 2014

**by C J Anstey BA (Hons) DipTP DipLA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 21 November 2014**

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**Appeal Ref: APP/N2535/A/14/2213798**

**Land off Gulham Road, North Owersby, Market Rasen, Lincolnshire.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mercer Farming against the decision of West Lindsey District Council.
  - The application Ref: 130639, dated 16 October 2013, was refused by notice dated 13 January 2014.
  - The development proposed is the erection of 6 no. broiler rearing units and associated feed bins, control room, feed weighing room, catching canopy, site office and a general purpose storage building.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this case is the effect on highway safety along Gulham Road.

### Reasons

#### *Highway safety*

3. The application site lies within the countryside, in a field off Gulham Road in North Owersby. The appeal proposal includes the construction of 6 broiler rearing units, each measuring 97.5 x 22.5 metres, and various ancillary facilities. About 45,000 broilers would be housed in each building with a total of 270,000 birds in total on the site. Rearing would be based on a 43 day flocking cycle, with 8 flocks per year.
4. The route between the access road to the site and the A631 along Gulham Road, an unclassified public highway, is approximately 3.5 km in length. The carriageway width is between 2.9 m and 3.6 m, with verges of varying widths located along both sides of the carriageway. There are a number of passing places along the road but no pedestrian footways or street lighting. Significant lengths of the road have a poor surface whilst the carriageway edge is eroded in places.
5. The appellant's traffic figures indicate that during each flocking cycle of 43 days the development would generate a total of 84 HGV loads (168 two-way movements). On average, therefore, during the flocking cycle there would be two HGV loads (four movements) per day. When this average figure is

compared to existing average weekday flows along Gulham Road a very small percentage increase results. However to make a thorough assessment of the proposal it is also necessary to look at the actual number of HGVs generated on particular days of the flocking cycle and how this compares with the existing average HGV weekday flows along Gulham Road.

6. In this regard the traffic figures submitted indicate that 47 (94 two-way movements) of the total HGV loads would be concentrated in 3 days of the cycle. This is made up of 11 HGV loads (22 movements) on two days and 25 HGV loads (50 movements) on one day. When these figures are compared to the existing average HGV weekday flows along Gulham Road (i.e. 30 movements at ATC Site 1 and 64 movements at ATC Site 2) a considerable percentage increase in HGV movement on these days is evident. As 8 flocking cycles are planned each year there would be 16 days through the year when there are 11 HGV loads (22 movements) and 8 days when there are 25 HGV loads (50 movements).
7. With such an increase in the number of HGVs using Gulham Road on these days I believe it is inevitable that the safe and free flow of traffic along the road would be severely affected. In particular it is likely, given the narrowness of the road and the lack of footways and lighting, that there would be conflict between the additional HGVs generated and other road users, including other farm vehicles, car drivers, pedestrians, cyclists and horse-riders. As a result conditions would be created in which accidents could occur. Although there would be less chance of conflict if these HGV movements were undertaken during the night the additional noise and disturbance generated at this time would be likely to have a significant and detrimental impact on the living conditions of those residing along Gulham Road.
8. The proposed HGV Management Plan may ensure that HGVs generated by the proposal do not meet on Gulham Road on these 24 days, and that drivers do not follow other routes. However it is inevitable, given the current usage of Gulham Road, that the HGVs going to and from the proposed enterprise on these days would encounter other vehicles, including HGVs, and other road users. In addition to causing conflict this is likely to lead to damage to the edges of the carriageway and the verges as vehicles leave the metalled road surface to pass when no convenient passing place is available. As such damage is unlikely to be repaired immediately this would then present particular risks to non-motorised users (e.g. pedestrians, cyclists and horse-riders), as they pass along the road, and increase the likelihood of vehicular conflict as drivers seek to avoid the carriageway edge. Although account has been taken of the existing passing places, together with the proposed minor junction improvements and the widening of the carriageway at several points, the potential for the problems identified to occur would still remain along most of Gulham Road.
9. It is noted that North Gulham Farm comprises about 708 acres and it is argued for the appellant that parts of it could be put to farming uses that would be likely to generate significantly more traffic, including HGVs, than the present cropping arrangements or the appeal proposal. In particular mention is made of pig-finishing/rearing and growing beet. To give significant weight to this fall-back position it is necessary to demonstrate that such a scheme is liable to proceed. However no detailed information, including business plans, costings and profitability, has been submitted to indicate that a change in farming uses

at North Gulham Farm is likely to occur if the appeal proposal is dismissed. Without this the fall-back position can be afforded little weight. Although there have been chicken rearing operations along Gulham Road in the past they appear to have been much smaller in scale and consequently the amount of HGV traffic generated is unlikely to have been comparable with the appeal proposal.

10. I conclude, therefore, on the main issue that the proposal would be likely to be severely prejudicial to highway safety along Gulham Road on particular days of the year. This brings the scheme into conflict with *Policy STRAT 1* of the *West Lindsey Local Plan First Review 2006* which endeavours, amongst other things, to ensure that new development does not create or aggravate highway problems. This policy is broadly in line with the *National Planning Policy Framework* which emphasises the need to prevent development that would have a severe impact on the highway network.

#### *Other matters*

11. Local people have raised a number of other concerns including the implications of the proposal for the rural landscape, pollution, odours, dust, biodiversity, and drainage. However, having considered all the material before me, none of these matters individually or cumulatively would be likely to cause significant harm, and they are not, therefore determinative to the decision. In reaching this view it is noted that the Council did not oppose the scheme on any of these grounds provided appropriate conditions were attached.

#### *Overall conclusion*

12. It is acknowledged that the proposed development would benefit North Gulham Farm and create jobs. Furthermore the scheme would provide a commodity that is in much demand across the country and make a contribution to reducing food imports. However I have concluded on the main issue that the proposal would be likely to be severely prejudicial to highway safety along Gulham Road on particular days of the year. This finding constitutes compelling grounds for dismissing the appeal and outweighs those arguments that favour the scheme.

*Christopher Anstey*

Inspector

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## Appeal Decision

Site visit made on 28 October 2014

**by Chris Preston BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 2 December 2014**

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**Appeal Ref: APP/N2535/A/14/2224256**

**Rear of 29 Yarborough Road, Cissplatt Lane, Keelby, Lincolnshire DN41 8HX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs M Staples against the decision of West Lindsey District Council.
  - The application Ref 130804, dated 18 December 2013, was refused by notice dated 03 April 2014.
  - The development proposed is two new dwellings.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appeal statements of the appellant and the Council refer to on-going discussions between the two parties over possible amendments to the scheme to overcome the Council's objections to the proposal. In particular, with regard to overlooking, the appellant refers to the possibility of altering the arrangement of first floor windows on the rear elevation of each dwelling, by removing the secondary window to bedroom 1, fitting obscured glazing to the bathroom, and relocating the window to bedroom 2 to the side elevation.
3. However, amended plans depicting these suggested amendments were not submitted to the Council, or with the appeal. Furthermore, in my view, neighbouring residents would be prejudiced if the proposed position of windows was amended without further consultation to seek their views, especially given the close relationship between the site and adjacent dwellings. Consequently, I have considered the proposal on the basis of the plans determined by the Council.
4. In addition, both parties have discussed the possibility of minor alterations to the design of window headers, chimney details and the front porches. The Council has suggested a condition to secure alterations to the proposal in this respect if I were minded to allow the appeal. The appellant confirmed that he would be happy to accept such a condition at my site visit. The suggested alterations in this regard would be minor and I am satisfied that no party would be prejudiced if such changes were secured without the need for further consultation. I have considered the need for such a condition and the merits of the suggested approach within the main body of my decision.

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## Main Issues

5. The main issues are:
- i) Whether the proposal would have an adverse effect on the living conditions of residents of 27 Yarborough Road, with particular regard to overlooking, overshadowing and any overbearing impact; and
  - ii) The effect of the proposal on the character and appearance of the surrounding area.

## Reasons

6. The appeal site relates to part of the rear garden of 29 Yarborough Road. The garden is long but relatively narrow, as are the gardens of the neighbouring semi-detached dwellings fronting Yarborough Road. No 29 is located at the corner of Yarborough Road and Cissplatt Lane, such that the western edge of the garden, presently marked by a low hedge, forms the boundary with the highway verge. Access for the new dwellings would be formed from Cissplatt Lane, across the grass verge.
7. The character of the wider area is predominantly residential, with a mix of dwelling styles. To the east of the junction with Cissplatt Lane is a run of two-storey semi-detached dwellings (including No 29), probably dating from the inter-war period. To the west of the junction, is a run of older terraced dwellings. Cissplatt Lane displays a similar variety, with older terraced houses and modern dormer bungalows. Planning permission has also been granted for a bungalow to the rear of 31 Yarborough Road. Footings have been dug in relation to this permission but this was some time ago and work is not progressing at the present time.

### *Living Conditions*

8. Due to the narrow width of the gardens, the rear elevation of the proposed dwellings would be situated in close proximity to the shared boundary with No 27 Yarborough Road; a distance of 4.2 metres, as shown on the submitted plans. As such, the rear windows would have a direct line of sight into the adjacent rear garden. The proposal to erect a 2 metre close boarded fence along the boundary would prevent views from ground floor windows but the position of the first floor bedrooms would result in direct overlooking to the adjacent garden along a considerable extent of its length.
9. Whilst an element of mutual overlooking of garden areas from first floor bedrooms is common in urban areas such views are normally gained from neighbouring properties set side-to-side with one another, such that the angle of view is less direct. In this case, the proposed dwellings would be set perpendicular to the garden of No 27 and the views would be directly onto the private garden area. In my view, this would result in a substantial loss of privacy beyond what could reasonably be expected in such a location.
10. I note that the garden of No 27 is long and that the area immediately to the rear of the dwelling would not be directly overlooked. However, I find nothing in planning policy to suggest that one area of a garden should be afforded more privacy than another. The usability of the garden would be significantly impaired by the loss of privacy and this would be detrimental to the living conditions of neighbouring residents at No 27. Although there would be a



degree of overlooking to the rear of No 25, I concur with the view of the Council that the intervening distance between the proposed dwelling and this garden would lessen the impact and retain acceptable levels of amenity for that dwelling.

11. In addition, the proposed dwellings would be situated to the west of No 27. Their height and close proximity would therefore result in significant overshadowing of the neighbouring garden during the afternoon and early evening period, to a greater or lesser degree depending on the time of year. In addition to the loss of privacy I consider that this would further inhibit the reasonable enjoyment of the garden space, to the detriment of the living conditions of residents at No 27. The physical presence of the two-storey façades in such close proximity to the boundary would dominate the outlook along a large stretch of the garden, something that would be overbearing for neighbouring residents. Whilst the proposed two metre close boarded fence would cause a degree of overshadowing, this would not be to the same extent as the proposed dwelling and its physical impact would be far less imposing.
12. In view of the above the proposal would cause significant harm to the living conditions of the occupants of No 27 Yarborough Road, contrary to the aims of policies STRAT1, STRAT6, and RES1 of the West Lindsey Local Plan First Review (2006) (the Local Plan) , all of which seek to ensure that new development respects the amenities of adjoining residents. The proposal would also contravene a core principle of the National Planning Policy Framework (the Framework), which is that planning should secure a good standard of amenity for all existing and future occupiers of land and buildings.

#### *Character and Appearance*

13. As described above, the surrounding area is comprised of a mix of dwelling types and styles. I also noted that the building line of dwellings varies, with older terraced properties on Yarborough Road and Cissplatt Lane generally set closer to the street than the more recent dwellings which predominantly have longer front gardens. This variety is integral to the character of the surrounding area.
14. Set against this pattern of development, the scale and layout of the proposed dwellings would not appear unusual or out of context. In overall proportion the proposed dwellings would not be dissimilar to the semi-detached properties fronting Yarborough Road. Adequate space would remain to the side of each property to avoid a cramped appearance and consequently, in visual terms, I am satisfied that the proposal would not be harmful to the character of the wider area. The fenestration and architectural detail in the proposed plans is simple, with relatively little detail to the window surrounds or small entrance porches.
15. Both parties are in agreement that a condition could be imposed to require amended details with regard to fenestration and the design of entrance porches and chimney stacks. Whilst I concur that amended details in this regard may enhance the outward appearance of the scheme, particularly in terms of the windows, which appear small and somewhat squat in appearance, the scheme, as presented, would not be harmful to the character and appearance of the area; the simple approach put forward being consistent with the prevailing pattern. In this regard the proposal would comply with the requirement for

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good design within the Framework and with the aims of policies RES1, STRAT 1 and STRAT 6 of the Local Plan.

*Other Matters*

16. A single off-road parking space would be provided for each dwelling and this would be supplemented by the available on-street provision in the local area. There is no evidence before me to suggest that there is any existing parking problem in the area or to suggest that the limited increase in parking associated with two dwellings would cause harm to matters of highway safety.

**Conclusion and Planning Balance**

17. The proposal would add to the supply of local housing in a village deemed to be suitable and sustainable for housing development of this nature, as identified in the Local Plan. These are not matters of dispute between the parties. In addition, I am satisfied that the scale and design of the proposal would reflect the established pattern of development in the area. Nonetheless, these matters do not outweigh my serious concerns regarding the impact upon the living conditions of the adjacent property at No 27 Yarborough Road. Providing good levels of amenity is a core principle of the Framework and the benefits of the proposal, as outlined above, are not sufficient to outweigh the significant impact on residents of the neighbouring dwelling.
18. In view of the above, and taking all other matters into account, I conclude that the appeal should be dismissed.

*Chris Preston*

INSPECTOR